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MEMO ENDORSED

BY ECF

Honorable Paul G. Gardephe
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

The initial pretrial conference currently scheduled for November 18, 2021, is adjourned sine die. The parties will submit a status update to the Court every 90 days, with the first status letter due January 31, 2022, to inform the Court of the progress with the PLAN.

SO ORDERED.

Re: Eugene Blake v. City of New York
21-CV-7191 (PGG)(RWL)

Paul G. Gardephe
United States District Judge
November 3, 2021

Your Honor:

I am the attorney in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter. I write to respectfully request that the Court: (1) adjourn the November 12, 2021 deadline for the parties to submit a joint letter and proposed case management plan; and (2) adjourn the initial pretrial conference, presently scheduled for November 18, 2021 at 11:15 a.m., until such time after the parties fulfill all requirements as set forth by Local Civil Rule 83.10 (the "PLAN"). Plaintiff consents to these requests.

By way of background, plaintiff Eugene Blake filed the Complaint in this action on August 26, 2021, alleging that, on April 22, 2021 at approximately 3:30 p.m., he was subject to excessive force by three John Doe Police Officers from the New York City Police Department (hereinafter "NYPD") and one Jane Doe NYPD Police Officer while they were removing him from a cell inside of Manhattan Central Booking. See Compl. at ¶¶ 11-29. Plaintiff also asserts a claim against the City pursuant to Monell v. Department of Social Services, 436 U.S. 658 (1978). On October 5, 2021, plaintiff's counsel served defendant with a CPL 160.50 release to unseal plaintiff's prior arrest history. Thus, in accordance with the PLAN, defendant has until December 6, 2021 (sixty days after service of the 160.50 release)¹ to respond to the Complaint.

¹ Pursuant to FRCP 6(a)(1)(c), "when the period is stated in days or a longer unit of time... include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continued to run until the end of the next day that is not a Saturday, Sunday, or legal holiday." Therefore, as the

See Local Civil Rule 83.10(3). Pursuant to the Order entered by the Court on August 27, 2021, this matter is to proceed pursuant to the PLAN.

Defendant requests an adjournment of the above-referenced deadline and the November 18, 2021 initial pretrial conference in order to proceed in accordance with the PLAN. As a preliminary matter, defendant has not yet responded to the Complaint. Moreover, more time is needed to allow the parties to complete the PLAN's limited discovery requirements and participate in a mediation. As such, it would be a more efficient use of the parties' and the Court's time to submit a case management plan and attend an initial conference after the parties have had an opportunity to complete the requirements as set forth in the PLAN.

Accordingly, for the reasons set forth above and with plaintiff's consent, defendant respectfully requests an adjournment of the deadline for the parties to submit their joint letter and case management plan and adjournment of the November 18, 2021 initial pretrial conference, until such time after the parties have completed the requirements of the PLAN. Defendant thanks the Court for its time and attention to this matter.

Respectfully submitted,

Elida M. Alfaro /s/

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sixtieth day falls on Saturday, December 4, 2021, the Answer or other response to the Complaint is due on Monday, December 6, 2021.